



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.5203 of 2017

and W.M.P.(MD).No.4185 of 2017

WEB COPY

K.Jeyanthi

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Sub Collector,
Padmanabhapuram,
Kanyakumari District.

4.The Executive Officer,
Villathurai Panchayat,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned order D.Dis.No.C3/35328/15, dated 07.05.2016, issued by the 1st respondent and quash the same and consequently direct the 1st respondent to grant plan approval and building permission for reconstruction of church building by the petitioner in S.No.411/3 A2 at in Konamvillai, Maarayapuram, Kaapukadu Post, Kanyakumari District.

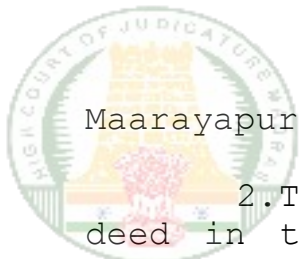
For Petitioner : Mr.K.Samidurai

For Respondents : Mr.A.Muthukkaruppan for R1 to R3
Additional Government Pleader

Mr.S.Kumar for R4

ORDER

This writ petition is filed to quash the the impugned order D.Dis.No.C3/35328/15, dated 07.05.2016, issued by the 1st respondent and consequently direct the 1st respondent to grant plan approval and building permission for reconstruction of church building by the petitioner in S.No.411/3 A2 at in Konamvillai,



Maarayapuram, Kaapukadu Post, Kanyakumari District.

2.The petitioner has earlier formed a trust by a registered deed in the year 2013. The petitioner is the trustee of the trust. The trust also proposed to construct a Church. Since Collector's permission is required for construction of Church, the petitioner approached the District Collector, namely the first respondent by submitting an application on 23.02.2017 seeking plan approval and building permission for Church building. After receiving the representation from the petitioner, the District Collector has called for a report from the District Superintendent of Police. It appears that there was several objections from the public, particularly Hindu Religious Organizations, for constructing building for conducting prayers. Considering certain law and order problem leading to filing of criminal complaints under various provisions of Criminal Procedure Code, the District Collector ultimately turned down the request of the petitioner by the impugned order. Challenging the order of first respondent, the above writ petition is filed.

3.It is stated by the learned Additional Government Pleader that an appeal lies before the Secretary to Government, Municipal Administration and Water Supply Department as against the order of District Collector. Even in the order impugned, it is mentioned that the petitioner if aggrieved can move the Appellate Authority namely the Secretary to Government, Municipal Administration and Water Supply Department.

4.Having regard to the peculiar circumstances of the case, this Court is of the view that alternative remedy is effective and hence the writ petition is dismissed, with liberty to the petitioner to seek alternative remedy by approaching the Secretary to Government, Municipal Administration and Water Supply Department,. Though by the impugned order one month time was given to prefer the appeal, having regard to the pendency of the writ petition, the Secretary to Government, Municipal Administration and Water Supply Department, shall entertain the appeal without reference to any limitation, in case the appeal is presented within a period of three weeks from the date of receipt of the copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



To கனியாகுமரி

WEB COPY

- 1.The District Collector,
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Kanyakumari District.
- 4.The Executive Officer,
Villathurai Panchayat,
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+1 CC to Mr.K.SAMIDURAI, Advocate (SR-104583[F] dated
12/12/2019)

W.P. (MD) .No.5203 of 2017
11.12.2019

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